

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**YELITZA COTTO,**

**Plaintiff,**

**vs.**

**COMMISSIONER OF SOCIAL  
SECURITY ADMINISTRATION**

**Defendant.**

) **CASE NO. 1:16-cv-01646-DAP**  
)  
) **JUDGE DAN AARON POLSTER**  
)  
) **ORDER ADOPTING REPORT**  
) **AND RECOMMENDATION**  
)  
)  
)  
)  
)

Before the Court is the Report and Recommendation of Magistrate Judge David A. Ruiz (“R & R”), Doc #. 13, issued on April 3, 2017,<sup>1</sup> which recommends that the Court reverse the Commissioner’s decision and remand the matter.

Under the relevant statute,

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

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<sup>1</sup> The R & R is dated Friday, March 31 but was docketed on Monday, April 3.

28 U.S.C. § 636(b)(1). However, where a party fails to object, a district court is not required to conduct any review, *de novo* or otherwise, of the report and recommendations of a magistrate judge. *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). The failure to file written objections also results in a waiver of the right to appeal. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985).

Here, any objections to the R & R were due on April 17, 2017. The time for objection has thus passed, and no objections have been filed. Nonetheless, the Court has reviewed the Magistrate Judge’s thorough R & R. The Court agrees with the Magistrate Judge that the ALJ has failed to articulate reasons, with sufficient clarity to allow meaningful appellate review, for rejecting the treating physician’s opinions.

Accordingly, the Court **ADOPTS** the Magistrate Judge’s R & R, Doc. # 13, in full, **REVERSES** the Commissioner’s decision, and **REMANDS** Plaintiff’s case to the Social Security Administration for further proceedings consistent with this Order and the R & R.

**IT IS SO ORDERED.**

/s/ Dan A. Polster    Apr. 18, 2016  
**DAN AARON POLSTER**  
**UNITED STATES DISTRICT JUDGE**